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February 24, 2023

Dear Secretary Cardona,

We write to you regarding the recent revelations surrounding classified documents held at the Penn Biden Center for Diplomacy and Global Engagement (“Center”).¹ We are concerned with the University of Pennsylvania’s (UPenn) involvement in the matter and whether the institution violated section 117 of the *Higher Education Act of 1965*,² breaking the barrier between academic freedom and national security.

Coincidentally, less than a month prior to Attorney General Garland’s appointment of a special counsel to investigate the matter,³ your Department of Education (Department) announced it was abandoning robust scrutiny of section 117 violations and was moving section 117 enforcement efforts from the Office of the General Counsel (OGC) to the Office of Federal Student Aid (FSA).⁴ FSA was never designed to handle such serious matters and it does not have the capability or expertise needed to do so. The relocation of the enforcement activities to FSA was done despite the fact that enforcement efforts undertaken by the OGC led to the reporting of \$6.5 billion in previously undisclosed foreign contributions, including foreign contributions made to UPenn.⁵ Indeed, following the Center’s launch in 2017, UPenn saw a nearly 400 percent increase in reportable gifts and contracts.⁶ This alarming spike in foreign donations also included approximately \$22 million in anonymous donations from China.⁷

Your actions in light of these revelations are yet another example of this administration’s failure to protect students, institutions, and taxpayers against threats posed by our foreign adversaries on college campuses. As the Committee responsible for oversight of your Department’s inaction, we request the following information no later than two weeks after the date of this letter:

1. Any and all communications or documents associated with the decision to move the enforcement of section 117 from OGC to FSA;

¹ <https://www.nytimes.com/2023/01/11/us/politics/biden-classified-documents.html>

² See Higher Education Act of 1965 §117, 20 U.S.C. §1011f (1998).

³ <https://www.cnn.com/2023/01/12/politics/joe-biden-classified-documents-counsels-office/index.html>

⁴ <https://www.federalregister.gov/documents/2022/12/27/2022-28119/agency-information-collection-activities-comment-request-foreign-gifts-and-contracts-disclosures>

⁵ <https://content.govdelivery.com/accounts/USED/bulletins/27b7801>

⁶ <https://oversight.house.gov/wp-content/uploads/2023/01/2023-01-18-Letter-UPenn-Penn-Biden-Center.pdf>

⁷ <https://www.nlpc.org/government-integrity-project/foreign-agent-probe-of-hunter-biden-should-include-upenn-and-nonprofit-group/>

2. All documents turned over by UPenn to the Department through its section 117 enforcement efforts; and
3. Any and all communications with or about, and documents provided to, the Department by UPenn since January 20, 2021.

Thank you for your prompt attention to this matter.

Sincerely,



Virginia Foxx
Chairwoman
U.S. House Committee on
Education & the Workforce



Jim Banks
Member of Congress



James Comer
Member of Congress



Michelle Steele
Member of Congress